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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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JOSEPH S. TRIPOLI
THOMSON MULTIMEDIA LICENSING INC.
2 INDEPENDENCE WAY
P.O. BOX 5312
PRINCETON, NJ 08543-5312

EXAMINER

TRAN, HAI V

ART UNIT PAPER NUMBER

2623

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,758

Applicant(s)

STEWART, JOHN SIDNEY

Examiner

Hai Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date all.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4 and 9-14 are rejected under 35 U.S.C. 102(b) as being unpatentable by Inoue et al. (US 5729280).

Claims 1 and 11, Inoue discloses a method/system for providing multimedia presentations on demand in a near on demand environment (Col. 2, lines 33-38), comprising:

a) providing beginning segments for pre-recording by subscribers where each beginning segment corresponds to ones of a plurality of multimedia presentations, each beginning segment having a duration at least as long as a predetermined time interval (Col. 8, lines 35-Col. 9, lines 30); and,

b) transmitting each one of said plurality of multimedia presentations concurrently on a plurality of channels with identical presentations transmitted on a different channel of said plurality of channels, and with a start time of each transmission having a periodic interval not exceeding said predetermined time interval (Col. 5, lines 53-58; Col. 6, lines 4-10).

Claims 2 and 12, Inoue further discloses the step of providing said subscribers with a menu of said plurality of multimedia presentations (Col. 10, lines 39-Col.11, lines 10).,

Claims 3 and 13, Inoue further discloses comprising responding to a subscriber request for performance of a selected one of said plurality of multimedia presentations by providing said subscriber an authorization to commence playback of one of said beginning segments corresponding to said selected one of said plurality of multimedia presentations (Col. 8, lines 63-Col. 9, lines 10).

Claims 4 and 14, Inoue further discloses wherein said authorization comprises at least one of an authorization to commence recording said selected one of said plurality of multimedia presentations for which broadcast has already begun, and to commence playback of said corresponding one of said beginning segments (Col. 9, lines 10-30).

Claim 9 , Inoue further discloses recording each said beginning segment provided to said subscriber automatically, responsive to said subscriber's initial activation of a multimedia system (Col. 6, lines 14-36).

Claim 10, Inoue further discloses periodically replacing ones of said beginning segments with new beginning segments corresponding further multimedia presentations (see Fig. 2A, for example segment a1-b1 of channel 1 is replaced with segment a8-b8; Col.5, lines 62-Col. 6, lines 10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-8 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (US 5729280) in view of Yoshizawa et al. (US 6002694).

Claims 5 and 15, Inoue does not clearly disclose wherein said authorization comprises a descrambling code key for descrambling said selected one of said plurality of multimedia presentations and said corresponding one of said beginning segments.

Yoshizawa discloses the use of a descrambling code key for descrambling the requested scrambling media (Col. 8, lines 41-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Inoue with the teaching of Yoshizawa for providing an interactive, chargeable billing system while preventing infringement of copyright of video content, as suggested by Yoshizawa (Col. 3, lines 25-30; Col. 4, lines 15-21).

Claims 6 and 16, Yoshizawa further discloses wherein said authorization comprises an access code for accessing a channel over which said selected one of said plurality of multimedia presentations is transmitted (Col. 8, lines 41-63). Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Inoue with the teaching of Yoshizawa for providing an interactive, chargeable billing system while preventing infringement of copyright of video content, as suggested by Yoshizawa (Col. 3, lines 25-30; Col. 4, lines 15-21).

Claims 7 and 17, Yoshizawa further discloses preventing playback of said recording of said selected one of the plurality of multimedia presentations upon completion of said presentation (upon completion reads on "end" of viewing/re-viewing within a specific time; outside of the specific time, the viewer is not able to view of re-view unless the viewer pay for the request; Col. 5, lines 46-53); Yoshizawa discloses the use of a descrambling code key for descrambling the requested scrambling media (Col. 8, lines 41-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Inoue with the teaching of Yoshizawa for providing an interactive, chargeable billing system while preventing infringement of copyright of video content, as suggested by Yoshizawa (Col. 3, lines 25-30; Col. 4, lines 15-21).

Claims 8 and 18, Yoshizawa further discloses generating a billing code responsive to said subscriber request for said selected one of plurality of multimedia presentations (Col. 9, lines 38-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Inoue with the teaching of Yoshizawa for providing an interactive,

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chargeable billing system while preventing infringement of copyright of video content, as suggested by Yoshizawa (Col. 3, lines 25-30; Col. 4, lines 15-21).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht
0915/2006


HAI TRAN
PRIMARY EXAMINER